

FILED

NOV 13 2013

Clerk, U.S. District Court
District Of Montana
Butte

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMIE DAWN ST. DENNIS,

Defendant.

Cause No. CR 08-149-GF-SEH

ORDER DENYING MOTION

On November 12, 2013, Defendant St. Dennis moved the Court to reduce her sentence. She claims she was “sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2); Mot. (Doc. 62) at 1.

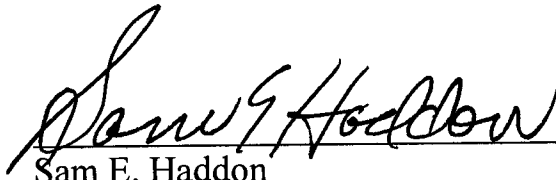
St. Dennis purports to rely on an amendment transmitted to Congress on May 1, 2007. She says it is Amendment 12. In fact, it is not Amendment 12, which became effective on June 15, 1988, but Amendment 709, which went into effect on November 1, 2007. *See* Mot. at 2 (quoting “Reasons for the Amendment”); U.S.S.G. App. C, Vol. III, Amendment 709 (Nov. 1, 2011). St. Dennis also relies on *Booker v. United States*, 543 U.S. 220 (2005), which made the United Sentencing Guidelines advisory rather than mandatory, *id.* at 259. *See* Mot. at 3.

St. Dennis was sentenced on July 20, 2009. The terms of § 3582(c)(2) do not apply to her case because the amendment she identifies was not issued “subsequently” to her original sentencing but well before it. Further, St. Dennis was sentenced to the statutory mandatory minimum term. *See* Judgment (Doc. 47) at 2; Sentencing Tr. (Doc. 53) at 5:1-3, 9:8-16.

ORDERED:

St. Dennis’s motion to reduce her sentence (Doc. 62) is DENIED as frivolous.

DATED this 13th day of November, 2013.



Sam E. Haddon
United States District Court